

Decision 02-06-010 June 6, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Global Photon Systems, Inc. and Global West Network Inc. for authority to modify their Certificates of Public Convenience and Necessity to Permit Construction of Specific Telecommunications Facilities.

Application 00-06-002
(Filed June 2, 2000;
Petition for Modification
filed April 6, 2001; Petition
for Modification filed
November 13, 2001)

**OPINION DENYING PETITION FOR
MODIFICATION OF DECISION 00-11-037**

Global Photon Systems, Inc. and its subsidiary Global West Network, Inc. (collectively Applicants) filed a Petition for Modification of D.00-11-037 regarding construction of an undersea and land-based fiber optic telecommunications network (the Project).¹ In D.02-01-059, the Commission granted the petition in part by approving one of the three requested modifications contained in the petition, namely construction of a new Los Osos segment for the Project. At the same time, the Commission stated that additional review was required of the two remaining modifications requested in the petition regarding a Santa Barbara segment and a Monterey segment.

¹ The term "Project" is used here as defined in D.00-11-037 and in Application 00-06-002, which contains a detailed description of the route and construction activities for the proposed fiber optic network.

Applicants have subsequently informed the assigned Administrative Law Judge that they do not wish to pursue approval of the two remaining Project modifications at this time. Therefore, at the request of Applicants, the Petition for Modification filed on November 13, 2001 is denied, except for the portion that was approved in D.02-01-059.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is waived.

Findings of Fact

1. Applicants filed a Petition for Modification of D.00-11-037 requesting minor adjustments to the route or changes in construction methodology for the Project approved in that order.
2. In D.02-01-059, the Commission granted the Petition for Modification in part.
3. Applicants no longer wish to pursue the outstanding portions of the Petition for Modification.

Conclusions of Law

The Petition for Modification of D.00-11-037, filed on November 13, 2001, should be denied, except for the portion pertaining to the Los Osos segment that was approved in D.02-01-059.

O R D E R

IT IS ORDERED that:

1. The Petition for Modification of Decision (D.) 00-11-037 filed on November 13, 2001 by Global Photon Systems, Inc. and Global West Network, Inc. is denied, except for the portion of the petition approved in D.02-01-059.
2. This proceeding is closed.

This order is effective today.

Dated June 6, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners